

**REMARKS**

Claims 1-16 remain pending in the application. New Claims 17 - 46 have been added. Claims 4, 5, 6, 7, 11, 12, 13, 15 and 16 have been amended.

Claims 1, 10 and 16 (formerly identified as Claim 17 but renumbered by the Examiner) are the original independent claims of the application.

The Examiner has rejected independent Claim 1 under 35 U.S.C. 103 as being obvious based on Akiyama et al. (USP 5,745,049). Applicant traverses this rejection on the grounds that Akiyama does not teach or suggest each and every element of the limitations set forth in Applicant's Claim 1.

Akiyama teaches a system for monitoring operating parameters of plant equipment. It utilizes a sensor, such as strain gage or temperature gage, connected to transponder to transmit sensor data. A portable "interrogator" collects data. Data acquired by the interrogator is then downloaded to a host computer. The host computer is used to collect data and analyze the data.

The device claimed by Applicant serves an entirely different purpose and hence, the claim elements and limitations of Applicant's device are different and not obvious from the Akiyama device. Specifically, since Applicant's device is intended to monitor the security of containers or shipping storage compartments, it need only transmit a signal when the security of such containers has been breached. For this reason, Applicant's claim includes "monitoring electronics" that are used to identify a "triggering event" and to transmit information upon the occurrence of a "triggering event". The "triggering event" arises from a change in the sensor output. The monitoring electronics are used to detect and record such a change. To the extent a change does not occur, no

triggering event would be present and thus no signal need be sent by the radio transmitter. Thus, as used in a standard shipping container, as the shipping container passes through various ports in transit to its final destination, a radio receiver at each port can be used to search for a “transmission” from the container. To the extent no transmission is received, security personnel will know that the security of the container remains in tact without the need to open the container or perform any further inspection of the container.

No where in Akiyama is there taught “monitoring electronics connected to the sensor output”. To the extent Akiyama is performing any equivalent “monitoring” at all as claimed by Applicant, such monitoring would be performed by the host computer which is clearly not connected to the sensor output as claimed by Applicant. Likewise, while such host computer may monitor the data for certain events, there is no teaching or suggestion that the host computer is attached to a radio transmitter to transmit a signal upon the occurrence of a triggering event. As stated above, the reason is that the Akiyama device is used for a completely different function and has a completely different physical arrangement. For this reason, Akiyama does not teach or suggest each and every element of Claim 1 and the examiner is respectfully requested to withdraw the rejection of Claim 1 based on this reference.

Turning to Claim 10, the Examiner has rejected independent Claim 10 under 35 U.S.C. 103 as being obvious based on Akiyama et al. (USP 5,745,049) in combination with Levy (USP 5,448,220). Applicant traverses this rejection on the grounds that Akiyama and Levy, either alone or in combination, do not teach or suggest each and every element of the limitations set forth in Applicant’s Claim 10.

Levy teaches a system for identifying and monitoring the contents of a transportable container, such as drum 12, and to transmit information about the contents. The sensor 18 is directed at sensing the contents of the container. Alternatively, the sensor is directed at sensing the environment inside or outside the container, such as temperature or pressure.

In contrast, Applicant recites the step of monitoring the physical surface of the container itself to determine if the container has been tampered with, i.e., opened. The premise of Applicant's invention is that a change in the condition of the physical state of the container—such as opening a port or cutting a hole in the surface—will indicate an unauthorized access to the interior of the container and hence a security breach. The condition of the contents of the container is not being monitored in Applicant's claimed invention. Monitoring the surface of a container to determine if it has been opened is not taught or suggested in Levy, alone or in combination with Akiyama. For this reason, Levy in combination with Akiyama does not teach or suggest each and every element of Claim 10 and the examiner is respectfully requested to withdraw the rejection of Claim 10 based on this reference.

Finally, the Examiner has rejected independent Claim 16 (previously numbered as Claim 17) under 35 U.S.C. 102(e) as being anticipated by Script et al. (Patent Application Serial No. 10/119,535 filed April 8, 2002). Applicant traverses this rejection on the grounds that Script does not teach each and every element of the limitations set forth in Applicant's Claim 16. In this regard, Claim 16 has been amended to clarify that the location of the proximity sensor is inside a cargo compartment. Nothing in Script teaches or suggest use of a proximity sensor within a cargo compartment, nor is there any suggestion in any of the other prior art references cited herein of the use of a proximity sensor within a cargo compartment to monitor the compartment. For this reason,

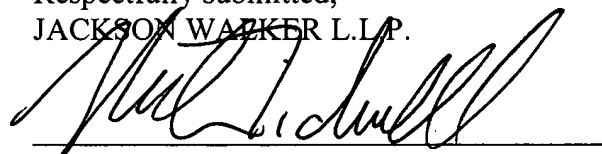
Script does not teach or suggest each and every element of Claim 16 and the examiner is respectfully requested to withdraw the rejection of Claim 16 based on this reference.

Applicant has amended the claims to clarify the structure which applicant believes distinguishes the invention over the cited references, to clarify the functions of the claimed invention, and to clarify the limitations within the claims drawn to such structure. However, amendments have not been made to narrow the claims of the original application but, rather simply, to clarify claims due to grammar that the Examiner found unclear or objectionable.

Finally, for the reasons set forth above, none of the new claims—each of which is supported by the original specification—are either anticipated nor rendered obvious by the prior art of record, either along or in combination. Of note, none of the prior art references teach or suggest, alone or in combination, a reflective energy sensor utilized within a storage compartment.

If the Examiner feels that a telephone conference with the undersigned would be helpful to the allowance of this application, a telephone conference is respectfully requested.

Respectfully submitted,  
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, with sufficient postage as First Class Mail (37 CFR 1.8(a)), in an envelope addressed to Mail Stop Response/FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Date: September 13, 2005

  
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Renee Treider

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